

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

MMB Docket No. **1671-0297**

J & J Reference: **DEP5255USNP**

Confirmation No.: **7290**

Application of: **Hayden et al.**

Group Art Unit: **3774**

Serial No. **10/814,097**

Examiner: **Ann M. Schillinger**

Filed: **March 31, 2004**

For: **Sliding Patellar Prosthesis**

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AMENDED CLAIMS APPENDIX

Sir:

The Appeal Brief filed on November 26, 2008 included a correct copy of all of the appealed claims as an appendix as required by 37 CFR 41.37(c)(1)(viii). Nonetheless, a Notification of Non-compliant Appeal Brief was issued on March 6, 2009 (the "Notification"). The Notification indicated that the November 26, 2008 Appeal Brief was non-compliant for not including a copy of the appealed claims as an appendix.

In a subsequent telephone call, the Examiner indicated that the Notification was issued because the canceled claims were not listed. The requirement for listing the

canceled claims, however, could not be identified. Likewise, no form for presenting the canceled claims is known.

Accordingly, in an attempt to provide a “clean copy” of the “canceled claims” (see MPEP 1205.02), the Applicants have provided herewith a listing of the claim numbers without any wording. Therefore, if the attached appendix entitled “(8) CLAIMS APPENDIX” includes the desired information, please substitute the attached appendix for the claims appendix originally filed with the Appeal Brief of November 26, 2008, in which the most recent version of all of the claims on appeal was presented.

In the event a “clean copy” of the canceled claims not involved in the appeal is determined to mean a listing of the claims with the last known wording for the canceled claims which are not on appeal, the Appellants have prepared an alternative Appendix including that wording and will file the same if desired. Likewise, if the PTO provides any other desired form, the Appellants will file a new amended claim appendix.

Respectfully submitted,

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(8) CLAIMS APPENDIX

Claim 1. A patellar prosthesis comprising:

- a first subcomponent;
- a boss operably connected to the first subcomponent; and
- a second subcomponent movably connected to the first subcomponent with the boss, the second subcomponent comprising,
 - a first side, the first side having (i) a channel therein, (ii) a boss retaining region operable to retain the boss within the channel when the boss is inserted into the channel by contacting the boss, and (iii) a boss assembly region operable to facilitate the insertion of the boss into the channel, by allowing the boss to pass through the boss assembly region for insertion of the boss into the channel.

Claim 2. The patellar prosthesis of claim 1, wherein the first subcomponent comprises a base and wherein the second subcomponent comprises an articulating subcomponent.

Claim 3. The patellar prosthesis of claim 1, wherein:

- the boss comprises a stem and a head having a width;
- the channel has a first side and a second side, the second side spaced apart from the first side by a first distance; and
- the boss retaining region comprises a lip, a first section having width and a second section having a width, the first section of the lip located on the first side of the channel and the second section of the lip located on the second side of the channel, the width of

the head being greater than the first distance of the channel minus the width of the first section of the lip and minus the width of the second section of the lip.

Claim 4.

Claim 5.

Claim 6.

Claim 7.

Claim 8.

Claim 9.

Claim 10. The patellar prosthesis of claim 1, further comprising:

a spin stop operably connected to the first subcomponent, and wherein the second subcomponent further comprises:

a spin stop receiving chamber, the spin stop receiving chamber configured to receive the spin stop when the second subcomponent, boss and first subcomponent are assembled, such that the spin stop is movable within the spin stop receiving chamber.

Claim 11.

Claim 12.

Claim 13. The patellar prosthesis of claim 1, wherein the boss assembly region is offset from the channel.

Claim 14. The patellar prosthesis of claim 13, further comprising:

a spin stop operably connected to the first subcomponent, and wherein the second subcomponent further comprises:

a spin stop receiving chamber with a loading region, the loading region of the spin stop chamber configured such that when the boss is being inserted into the channel through the boss assembly region, the spin stop is inserted into the spin stop chamber loading region.

Claim 15.

Claim 16.

Claim 17.

Claim 18.

Claim 19.

Claim 20.

Claim 21.

Claim 22.

Claim 23.

Claim 24.

Claim 25.

Claim 26.

Claim 27.

Claim 28.

Claim 29.

Claim 30.

Claim 31. A patellar replacement component base comprising:

a generally planar bone contacting surface lying in a first plane;

a dome shaped contact surface for contacting a patellar articulating component and located generally opposite the bone contacting surface; and

a boss having a stem extending from the dome shaped articulating component contact surface along an axis, the axis of the stem intersecting the bone contacting surface plane at an angle of other than 90 degrees.

Claim 32.

Claim 33.

Claim 34.

Claim 35.

Claim 36.

Claim 37.

Claim 38. The patellar replacement component base of claim 31, further comprising:

a spin stop extending from the dome shaped contact surface along an axis, the axis of the spin stop intersecting the bone contacting surface plane at an angle of other than 90 degrees.

Claim 39. The patellar replacement component base of claim 38, wherein:

the boss includes a head portion extending outwardly from the stem portion, the head portion extending over a portion of the contact surface; and
the spin stop is cylindrically shaped.

Claim 40. The patellar replacement component base of claim 38, wherein:

the dome shaped contact surface forms an apex; and
the spin stop and the boss are on opposite sides of the apex when viewed from a side elevational view.

Claim 41. The patellar replacement component base of claim 31, wherein the dome shaped contact surface is spherical.

Claim 42. A patellar prosthesis comprising:

a first subcomponent;
a boss operably connected to the first subcomponent; and
a second subcomponent movably connected to the first subcomponent with the boss, the second subcomponent comprising,

a first side, the first side having (i) a channel therein, (ii) a boss retaining region having a first configuration operable to retain the boss within the channel when the boss is inserted into the channel by contacting the boss, and (iii) a boss assembly region having a second configuration operable to facilitate the insertion of the boss into the channel, the first configuration and the second configuration being different.

Claim 43. The patellar prosthesis of claim 42, wherein the first subcomponent comprises a base and wherein the second subcomponent comprises an articulating subcomponent.

Claim 44. The patellar prosthesis of claim 42, wherein:

the boss comprises a stem and a head having a width;

the channel has a first side and a second side, the second side spaced apart from the first side by a first distance; and

the boss retaining region comprises a lip, a first section having width and a second section having a width, the first section of the lip located on the first side of the channel and the second section of the lip located on the second side of the channel, the width of the head being greater than the first distance of the channel minus the width of the first section of the lip and minus the width of the second section of the lip.

Claim 45. The patellar prosthesis of claim 42, further comprising:

a spin stop operably connected to the first subcomponent, and wherein the second subcomponent further comprises:

a spin stop receiving chamber, the spin stop receiving chamber configured to receive the spin stop when the second subcomponent, boss and first subcomponent are assembled, such that the spin stop is movable within the spin stop receiving chamber.

Claim 46. The patellar prosthesis of claim 42, wherein the boss assembly region is connected to but offset from the channel.

Claim 47. The patellar prosthesis of claim 46, further comprising:

a spin stop operably connected to the first subcomponent, and wherein the second subcomponent further comprises:

a spin stop receiving chamber with a loading region, the loading region of the spin stop chamber configured such that when the boss is being inserted into the channel through the boss assembly region, the spin stop is inserted into the spin stop chamber loading region.

Claim 48. A patellar replacement component base comprising:

a body defining a generally planar bone contacting surface lying in a first plane, a dome shaped articulating component contact surface generally opposite the bone contacting surface;

a stem extending outwardly from the dome shaped articulating component contact surface of said body along a line, the line of the stem intersecting the bone contacting surface plane at an angle of other than 90 degrees; and

a head extending from said stem.

Claim 49. The patellar replacement component base of claim 48, wherein said body, said stem, and said head are integral with each other.

Claim 50. The patellar replacement component base of claim 48, wherein said body, said stem, and said head are made of a polymer.

Claim 51. A patellar replacement component base comprising:

a integral body defining generally planar bone contacting surface lying in a first plane, a dome shaped contact surface generally opposite the bone contacting surface; and

a stem extending outwardly from the dome shaped contact surface of said body in a direction away from the generally planar bone contacting surface along an axis, the axis of the stem intersecting the bone contacting surface plane at an angle of other than 90 degrees, the stem being integral with said body.

Claim 52. The patellar replacement component base of claim 51, further comprising a head extending from said stem.

Claim 53. The patellar replacement component base of claim 51, wherein said body and said stem are made of a polymer.

(9) EVIDENCE APPENDIX

None.

(10) RELATED PROCEEDINGS APPENDIX

None.